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No. 253] NEW DELHI, MONDAY, MAY 20, 1957/VAISAKHA 30, 1879

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 14th May, 1957

S.R.O. 1649.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 149 of 1957, presented to the Commission on the 20th April, 1957, under section 81 of the said Act, by Shri M. G. Natesa Chettiar, Agriculturist, resident of Dharamapuri, Salem District, calling in question the election to the House of the People from the Krishnagiri constituency of that House of Shri C. R. Narasimhan, son of Shri C. Rajagopalachariar, c/o Shri P. T. Venkatachariar, B. A., B. L., Advocate Krishnagiri, Salem District.

Received by Registered Post this the Twentieth Day of April One Thousand Nine Hundred and Fifty Seven.

Sd./- DIN DAYAL,

20-4-57

Under Secy., Election Commission, India.

BEFORE THE ELECTION COMMISSION OF INDIA AT NEW DELHI.

ELECTION PETN. No. 149 OF 1957.

M. G. Natesa Chettiar.—*Petitioner.*

1. C. R. Narasimhan.
2. G. D. Naidu.
3. R. Muthulingam.
4. R. Jagannathan.
5. P. N. Balasubramaniam.—*Respondents.*

1. The petitioner is the son of M. V. Gurunatha Chettiar, Agriculturist, Hindu, Vaniar Vaisya, aged about 57 years residing at Dharamapuri, Salem District. His address for service is as above.

2. The first respondent is the son of C. Rajagopalachariar, aged about 40 years, Hindu, Brahmin, and his address for service is C/o P. T. Venkatachariar, B. A., B. L., Advocate, Krishnagiri, Salem District.

3. The second respondent G. D. Naidu, son of Gopaleswami Naidu, aged about 64 years, Industrialist Hindu, Kamma Naidu, resides at Gopal Bagh, Avanashi Road, Coimbatore and this is his address for service.

4. The third respondent, R. Muthulingam is the son of Ratnavelu Gounder, aged about 40 years, Medical Practitioner, Hindu, Vanniar, and his address for service is "Vanivilas Hospital", Dharmapuri, Salem District.

5. The fourth respondent, R. Jagannathan, is the son of Ramasami Pillai, about 35 years, Hindu, Vellala, Bus Service Checking Inspector and his address for service is 41 E Thammama Chetty Street, Arisipalayam, Salem, Salem District.

6. The fifth respondent, is the son of P. R. Narayana Iyer, Hindu, Brahmin, aged about 41 years, and his address for service is Laligam Post, Dharmapuri Taluk, Salem District and this is his address for service.

7. There is a Parliamentary Constituency in Salem District, Madras State. This constituency is called the Krishnagiri Parliamentary Constituency. It constitutes five Assembly constituencies, namely Hosur, Uddanapalli, Krishnagiri, Pennagaram and Dharmapuri. In this Parliamentary Constituency, there was an election in March 1957. The election was on the 4th of March 1957. There were elections in the abovementioned five Assembly Constituencies also on the same date.

8. The Petitioner is an elector, being a person entitled to vote at the election to which this Election Petition relates. His name is registered in the Dharmapuri Assembly Constituency under serial Number 799(2-239) 2nd Ward in the Dharmapuri Panchayat area and he is entitled to vote in the Parliamentary Constituency and he exercised his vote.

9. The respondents were all candidates nominated for election, but the 5th Respondent withdrew his candidature within the time prescribed for withdrawal. No one of the respondents 1 to 4 withdrew his candidature and all of them continued to stand for election.

10. The first respondent was declared elected on 8th March, 1957 by the Returning Officer to that Constituency, namely the Personal Assistant to the Collector of Salem. According to the declaration made by the Returning Officer, the first respondent secured 57,683 votes, the second respondent 57,316, the 3rd respondent 15,617 and the 4th respondent 13,578. The difference between the first and the second respondent was 367 votes.

11. The Petitioner states that the second respondent would have scored many thousands of votes more than the first respondent and would have been duly declared elected but for the commission of many acts of corrupt practices committed and the non-compliance with the rules made under the Act, as detailed hereunder.

12. The first respondent was put up for election as a Congress candidate, 2nd and 3rd were independents and the 4th respondent was put by the Dravida Munnetra Kazhagam. In the five Assembly constituencies, mentioned above, the Congress put up Mr. N. Ramachandra Reddi for Hosur constituency, Mr. Desai N. Venkatakrishnan for Uddanapali, Mr. S. Nagaraja Maniagar for Krishnagiri, Mrs. Hemalatha Devi for Pennagaram and Mr. M. Kandaswami Kandar for Dharmapuri. The elections to the Madras Legislative Assembly from the above mentioned five Assembly constituencies were also contested.

13. In one of the Assembly constituencies, namely Krishnagiri, the first respondent had a majority over the second respondent of 5400 votes. Corrupt practices were extensive in this constituency.

14. In the Krishnagiri Parliamentary Constituency, there were 601 booths and in each booth were employed by the Government on an average of seven officers for polling purposes. Out of these 4000 and odd officers employed in the booths on election duty, about 3000 were persons who had votes in this Constituency and they could not exercise their franchise in any booth. Rule 44 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1958 provides for postal ballot for electors employed at polling booths. Rule 44 provides as follows:—

"(1) A presiding officer, a polling officer, any other public servant or a polling agent, who is an elector in a constituency and is by reason of his being on duty at a polling station unable to vote at the polling station, where he is entitled to do so may on application be allowed to record his vote in that constituency by postal ballot.

- (2) Every such application shall be addressed to the Returning Officer of the constituency, shall specify the name of the elector, his address and his electoral roll number and shall be made at least seven days or such less period as the returning officer may in any particular case allow, before the date or the first of the dates fixed for the poll.
- (3) If the returning officer is satisfied that the applicant is entitled to vote by postal ballot under sub-rule (1) he shall make arrangements for the supply of a postal ballot paper to him".

15. The Congress party which put up for election the first respondent in the Krishnagiri Parliamentary Constituency and candidates for election to the Madras Assembly constituencies, comprised in the Krishnagiri Parliamentary constituency, is the leading political party in this country and has a country-wide net work of organization. The Cabinets at the Centre and the Madras State at the time of the election were constituted by members of the Congress party and this party had a large pull with Government servants including village officers. The Congress party took full advantage of its position, power and pull with these officers. As already stated, this party has a net work of organization throughout the country and in this Parliamentary Constituency. In this Parliamentary Constituency, there were District Congress Committee, Taluk Congress Committees and also Village Congress Committees and these Committees were very very active during the period of election in this Constituency. There are about 1000 village officers in the Krishnagiri Parliamentary Constituency. The Petitioner states that every village officer gave assistance for the furtherance of the prospects of the Congress candidates' election including that of the first respondent's election. In getting the assistance of these village officers, there has been a conspiracy between the first respondent, the Congress candidates for election to the Assembly, the various agents who worked for the first respondent and others and also certain government servants.

16. The candidate for the Krishnagiri Assembly constituency, namely Mr. Nagaraja Maniagar was at the time of the election and continues to be the President of the District Congress Committee and in the election he was returned to the Assembly. In Krishnagiri, the Congress party had a further advantage. They had two development blocks in connection with the Community Development Project, namely Krishnagiri Block and Kaveripatnam Block. The person in charge of the Kaveripatnam block was Sri Venkataramanappa, stationed at Kaveripatnam. At this station was also the President of the District Congress Committee, the said Mr. Nagaraja Maniagar, who is also a member of the Block Development Committee. The Block Development Officer has a great pull in the area under his jurisdiction. The Committee grants loans for various purposes and also gives grant for the construction of roads, schools etc. On the Block Development Committee depends the electrification and other amenities in the area and particularly the officer in charge is very influential in the area. The Block Development Officer, namely Mr. Venkataramanappa although a Gazetted Officer was actively assisting the first respondent and the Congress Assembly candidate in the election at the first respondent's instance and with his knowledge, consent and connivance and also at the instance of the Congress Assembly candidate Mr. Nagaraja Maniagar with his knowledge, consent and connivance, thereby committing a corrupt practice under Sec. 123 of the Representation of the People Act, 1951 (hereinafter referred to as the Act). It was an accepted practice and programme adopted by the Congress party through the various congress committees in this constituency under which the members of the Congress Committees at various levels put pressure on the village officers, particularly village karnams to give every assistance for the furtherance of the prospects of the election of the congress candidates.

17. The abovementioned Block Development Officer, Mr. Venkataramanappa gave assistance for the furtherance of the prospects of the first respondent's election in cooperation with village officers in the Krishnagiri Constituency. The village Officers of certain villages mentioned below particularly worked with the Block Development Officer to give assistance in furtherance of the prospects of the first respondent's election. They are village officers of Jaggasamudram, Sondalli, Pennaswaramadam, Saparthi, Thimmapuram, Sundeguppam, Periamphur, Katlaganapalli, Boganapalli, Devasamudram, Kattinayanapalli and Kaveripatnam,

18. The fact that the Block Development Officer and the village officers mentioned above gave assistance to the Congress candidates including the first respondent was mentioned in a petition dated 28th February, 1957 presented to

the Assistant Returning Officer (The Tahsildar of Krishnagiri) by Mr. M. N. Subbaraman, who contested as an independent candidate to the Assembly from the Krishnagiri Constituency. On the counting date, namely 5th March 1957 this candidate presented another petition to the Returning Officer referring to these facts and refused to take part in the counting as no redress was given for the petition dated 28th February, 1957.

19. The petitioner believes that the information above given to the petitioner is correct and the Block Development Officer abovementioned and the Village Officers in Krishnagiri Assembly Constituency particularly the village officers of the places mentioned above, were actively assisting the first respondent for the furtherance of the prospects of his election. They committed a corrupt practice under Sec. 123 (7) of the Act and they committed this corrupt practice between the 3rd week of January and the fourth of March 1957. It was in the third week of January that the names of the Congress candidates including that of the first respondent were announced. The place of the commission of this corrupt practice is Krishnagiri Assembly Constituency. The names of these village officers are not known to the petitioner, but they can easily be ascertained.

20. As already stated the assistance of every village officer including the Karnams were pressed into service for the furtherance of the prospects of the election of the Congress candidates including the first respondent and the petitioner is in a position to give a few more instances.

21. The petitioner is informed and believes the information to be true that on 31st January, 1957 Mr. Desai N. Venkatakrishnan, the Congress candidate for Uddanapalli Assembly Constituency wrote a letter to Sri P. M. Krishnaswami Naidu, Karnam of Bandapalli for his active assistance in securing votes for the furtherance of the prospects of the Congress candidates' election including that of the first respondent and this assistance was given. The petitioner states that even to attempt to obtain any assistance from any person in the service of the Government for the furtherance of the prospects of a candidate's election is a corrupt practice under Sec. 123(7) of the Act. The petitioner understands that along with this letter Mr. Desai N. Venkatakrishnan, has sent to the Karnam a printed appeal by the first respondent, with Mr. Desai N. Venkatakrishnan's endorsement. The letter and the endorsement are in the handwriting of Mr. Desai N. Venkatakrishnan. This Assembly candidate Mr. Desai N. Venkatakrishnan was an active agent for the first respondent and as is disclosed by the first respondent's Return of Election Expenses, the first respondent paid to Mr. Desai N. Venkatakrishnan a sum of about Rs. 1,700/- for the furtherance of his election in that area. The petitioner states that everything this Assembly candidate did in furtherance of the election of the Congress Candidates namely himself and the first respondent was done at the instance of the first respondent and with his connivance, knowledge and consent and the first respondent is a party to the commission of the corrupt practice under Sec. 123(7) of the Act and this offence was committed by the persons abovementioned between 31st January, 1957 and 4th March, 1957 and was committed in Bandapalli Village of Uddanapalli Assembly Constituency included in the Krishnagiri Parliamentary Constituency.

22. The petitioner may give another instance. At the time of the election, one of the District Congress Committee members in Hosur Taluk was a gentleman called Mr. M. Rama Reddy. He still continues to be the District Congress Committee Member. He was very active in helping the Congress candidates in the election. The petitioner understands that he wrote a letter to the above-mentioned village Karnam, namely P. M. Krishnaswami Naidu. On 27th February, 1957 requesting him to work and canvass votes of others for both the Congress candidates, namely the first respondent and Mr. Desai N. Venkatakrishnan, the Assembly candidate. He was requested in that letter to approach all voters in his area for voting for the Congress candidates, namely the first respondent and the candidate for the Assembly election. The petitioner states that this letter was written at the instance of the first respondent and the first respondent and the Village karnam and also the writer of the letter the above-mentioned Mr. Rama Reddy, who was an agent of the first respondent, committed an offence under Sec. 123(7) of the Act. This offence was committed on and after 27th February, 1957 on various dates till the date of election, namely 4th March, 1957 and was committed within Bandapalli Village within the Krishnagiri Parliamentary constituency.

23. Still another instance may be given by the petitioner of the corrupt practice under Sec. 123(7) of the Act. The abovementioned Mr. Rama Reddy, member of the District Congress Committee, wrote a letter to one Mr. Chinnappaya, Village Officer of Kakkadasam in Hosur Assembly Constituency requesting

him to assist the first respondent and also the Congress assembly candidate, Mr. Ramachandra Reddi. The petitioner states that this letter was written at the instance of the first respondent and also at the instance of Mr. Ramachandra Reddi and these four persons, namely the first respondent, Mr. Ramachandra Reddi, Mr. Rama Reddi and the Village Officer, Mr. Chinnappaya committed an offence under Sec. 123(7) of the Act, during the period from 19th February, 1957 to 4th March, 1957 and this was committed in Kakkadesam Village in the Krishnagiri Parliamentary Constituency.

24. The petitioner states that a similar corrupt practice under Section 123(7) was committed throughout the Parliamentary Constituency and the Congress Candidates for election including the first respondent, all members of the Congress committees at all levels and the Village Officers throughout the Constituency committed in all the village jurisdictions, by assisting the Congress candidates including the first respondent in furtherance of the prospects of their election and the commission of the offence was committed after the announcement of the names of the Congress candidates by the third week of January 1957 upto the date of election, namely 4th March, 1957. It is not possible for the petitioner to give the names of all these village officers. The petitioner states that the candidates for election, the members of the Congress Committees and the Village Officers were hand in hand in furtherance of the prospects of the election of the Congress candidates including that of the first respondent. The petitioner states that, but for this assistance given by persons in the service of the Government coming within the categories mentioned in Section 123(7), the first respondent would not only not have secured the votes he scored, but might have even lost his deposit.

25. The corrupt practices committed by the first respondent and others did not stop here.

26. A corrupt practice under Section 123(4) was committed by the publication of a circular dated 1st March, 1957 by one Mr. R. Appunu for the furtherance of the first respondent's election. Ten thousand copies of this pamphlet containing spurious and defamatory statements against the personal character and conduct of the second respondent was published in the Parliamentary Constituency and was read by tens of thousands of voters. This was published at the instance of the first respondent and his agents and supporters. The Publisher of the pamphlet, Mr. R. Appunu was one of the most active agents of the first respondent. A copy of this pamphlet is filed herewith marked Exhibit "A" and this pamphlet made many attacks on the second respondent in relation to his personal character and conduct and described the second respondent as a semi-insane, a fickle minded, undependable and unsteady person, who should not be given a vote by anybody. I state that his publication by one of the agents of the first respondent and made at the instance of the first respondent amounts to a corrupt practice under Section 123(4) and this was committed by the first respondent and the abovementioned Mr. R. Appunu, throughout the Krishnagiri Constituency on and after 1st March, 1957.

27. The petitioner states that at the instance of the first respondent and his agents, publicity was given in the issue of TAMIL NADU dated 4th February, 1957, a Tamil Daily published from Madurai of a false statement regarding the candidature and withdrawing from candidature of the second respondent reasonably calculated to prejudice the prospects of the second respondent's election, thereby committing an offence under Section 123(4) of the Act. The parties to this offence are the first respondent, his agents and the Editor of the Tamil Daily "Tamil Nadu". The offence was committed on the date of publication abovementioned, namely 4th February, 1957 and this was published throughout S. India, Tamil Nadu being a very widely circulated and read paper. This has been read by tens of thousands of voters in the Krishnagiri Parliamentary Constituency and prejudiced the candidature of the second respondent.

28. The petitioner states that the first respondent in the third week of February 1957 told one N. C. Dharmalingam, son of A. Chithangatha Chettiar of Nagarasanpatti that the second respondent was not standing for election and he need not work for the second respondent—a statement which was false in relation to the candidature of the second respondent and thereby committed a corrupt practice under Section 123(4) of the Act.

29. The petitioner states that the first respondent and his agents have committed a corrupt practice under Section 123(5) of the Act by hiring and procuring vehicles for the conveyance of electors to and from the polling stations on the date of the election, namely 4th March, 1957. One of the contesting non-congress candidates Mr. M. N. Subbaraman, in the Krishnagiri Assembly Constituency

brought to the notice of the Polling Officer this corrupt practice committed by the Congress candidates including the first respondent on the date of polling. This corrupt practice was committed by the first respondent and his agents in all polling booths and particularly in Booth No. 40 on 4th March, 1957.

30. The petitioner states that with the object of directly inducing the voters in Agaram Village in Krishnagiri Taluk, the first respondent made a promise to the President of the Agaram Panchayat, namely Mr. Subramania Gounder that the first respondent would give Rs. 1500/- for the construction of a common well and for repairing the village temple if the voters in the village voted for him in preference to other candidates. The petitioner has information that the first respondent made these offers in many other places also. The petitioner states that this amounts to a corrupt practice under Section 123(1) of the Act. This promise to the Agaram Village was made by the first respondent in the third week of February '57.

31. The petitioner states that the first respondent has incurred and authorised the expenditure in contravention of Section 77 of the Act and committed a corrupt practice under Section 123(6) of the Act. He has incurred an expenditure of over Rs. 25,000/-. In his return of election expenses he has not taken into consideration the heavy expenditure incurred by the Congress party in furtherance of his candidature. The Congress party has incurred heavy expenditure of many thousands of rupees in furtherance of the prospects of the election of the first respondent and other Congress candidates who stood for election to the Assembly, in the Krishnagiri Parliamentary Constituency. The expenditure has been incurred in various ways by the Congress party by doing propaganda, in support of the Congress party candidates including meetings, processions, dances, dramas, feeding and many other diverse ways. I state that Section 77 referred to in Section 123(6) of the Act provides that every candidate at an election shall either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date of publication of the notification calling the election and the date of declaration of the result thereof, both dates inclusive, that the account shall contain such particulars as may be prescribed and that the total of the said expenditure shall not exceed such amount as may be prescribed. The particulars which the accounts shall contain is provided for in Rule 131 the Maximum amount of expenditure is provided for in Schedule III. Section 78 of the Act provides that the Return of Election expenses shall be a true copy of the accounts kept by the candidate or by his election agent under Section 77. The petitioner states that on an examination of the return of election expenses made by the first respondent, it will be found that he has contravened the provisions of Section 77 of the Act and therefore committed a corrupt practice under Section 123(7) of the Act. The first respondent has failed to conform to the provisions of Section 77 and he has exceeded the maximum amount prescribed for expenditure for the election.

32. The picture of the corrupt practices committed in this election by the first respondent and his agents is not complete without a reference to the whispering and the systematic appeal by the first respondent and his Brahmin agents to voters of his sub-community, that is Brahmin to vote for him and refrain from voting for the second respondent and other respondents on account of caste and community. This whispering campaign and systematic appeal was made throughout the constituency and from the time the first respondent's candidature was announced. The petitioner states that this amounts to a corrupt practice under Section 123(3) of the Act. It is impossible to give the names of persons who are parties as almost every Brahmin in the Constituency was a party to it.

33. The petitioner states that the result of the election has been materially affected by non-compliance with the rules made under the Act. As already stated, over 3000 voters were engaged as officers in various polling booths and the authorities acted in contravention of Rule 44. These officers at the polling booths were not supplied with postal ballot papers for the reason that they were not given sufficient time for application and no notice was given to them that they could apply with shorter notice than seven days. The petitioner understands and believes it to be true that only a few officers were supplied with ballot papers. The petitioner states that the persons employed in various polling booths and who were denied facilities for casting their votes were mostly non-gazetted officers and District Board teachers, who were discontented thoroughly with the Congress Government and who would not certainly have cast their votes in favour of Congress candidates. It is apparently on account of this fact that facilities were not given to them to cast their votes. If they cast their votes, the second respondent would have got a majority of those votes. There are instances in which application were made for postal ballot papers, but were denied by the authorities.

34. The petitioner state that non-compliance with Rule 44 has materially affected the result of the election. The petitioner also states that all army personnels were also not supplied with ballot papers which also amounted to non-compliance with the rules. This also has materially affected the result of the election.

35. The petitioner states that Booth No. 40 at Krishnagiri where the second respondent had great support was not opened in time. The booth ought to have been opened at 7 A.M. but this was opened only after 8 A.M. and a large number of ladies who came to the booth in the morning had to return without casting their votes and they did not come back for voting. There was non-compliance with the rules in this regard also and this materially affected the result of the election.

36. The petitioner states that a large number of votes in the name of dead persons were cast by persons who personated them and they were cast in favour of the first respondent. Out of those large number of votes, the petitioner files herewith a list marked Exhibit "B" of a few voters cast in the names of dead persons. This also materially affected the result of the election.

37. The petitioner states that one Mr. Ramachandra Chetty and about 5 members of his family who are voters, were at Bangalore on the election date, in connection with the marriage of the brother of Mr. Ramachandra Chetty of Kaveripatnam and they did not vote, but their votes were recorded. They are not Congress supporters. The petitioner states that these voters, if they were present, would have voted for the second respondent.

38. The petitioner states that if the corrupt practices mentioned in this petition were not committed by the first respondent and his agents and supporters and the rules were complied with, the second respondent would have got many thousands of votes more than the first respondent and he should have been declared elected.

39. The required deposit under Sec. 117 of the Act of Rs. 1000/- has been made and the chalan is enclosed. This petition is in time.

40. The petitioner therefore prays:

- (1) for a declaration that the election of the first respondent is void,
- (2) for a further declaration that the second respondent has been duly elected,
- (3) for costs of this petition, and for such other order or orders as may be deemed just and equitable in the circumstance of this case.

M. G. NATESA CHETTIAR,
Petitioner.

I, M. G. Natesa Chettiar, the petitioner above named do hereby declare that what is stated above in paragraphs 1 to 13 are true to the best of my knowledge and belief and what is stated in other paragraphs are true to the best of my information and belief and I believe the same to be true.

M. G. NATESA CHETTIAR,
Petitioner.

Verification to the Annexures

I, M. G. Natesa Chettiar, the petitioner herein, do hereby declare that the printed copy of the pamphlet marked Exhibit "A", is a true copy of the pamphlet published by Sri R. Appunu on 1st March, 1957 and I believe it to be a true copy.

M. G. NATESA CHETTIAR,
Petitioner.

I, M. G. Natesa Chettiar, the petitioner herein, do hereby declare that the list marked as Exhibit "B" to the best of my information and belief is a correct list of deceased persons at the time of the elections, but in whose names votes were recorded.

M. G. NATESA CHETTIAR,
Petitioner.

(Exhibits A and B, being in regional language, not published)

[No. 82/149/57].

By Order,

DIN DAYAL, Under Secy.

